

April 24, 2017 11:33 AM

UNITED STATE DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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IN SUI JURIS
El-Amin Muhammad, AGENT
IN SURE PROPRIO,
PLAINTIFF-PETITIONER.

CASE No. 1:16-CV-01466
Hon. Robert J. Jonker

v.

KYLE A. NEHER et al.,
DEFENDANT.

STATEMENT OF INTEREST

CASE No. 1:16-CV-01466

PETITION REQUEST FOR LEAVE TO TAKE DEPOSITION AND SUBPOENA
DUCES TECUM PURSUANT TO F.R.C.P. Rule 26, Rule 30, AND Rule 45

NOW COMES, AGENT El-Amin Muhammad, In Sui Juris with
PETITION REQUESTING LEAVE TO TAKE DEPOSITION AND subpoena duces tecum pursuant
to F.R.C.P. Rule 26, Rule 30, and Rule 45 For THE Following, and STATES:

1. Persons to be subpoenaed For examination or deposition are as follows:
 - a. DEFENDANT KYLE A. NEHER, address: Norton's Shores Police Dept. /
4814 S. HENRY ST. / Norton Shores, MI 49441.
 - b. Sally A. Johnson-McGORMAN, address: 60th DISTRICT CIRCUIT COURT /
MICHAEL E. KOBZA - HALL of Justice / 990 TERRACE ST. / MUSKEGON, MI 49442.

c. Marcia L. Wilkes, address: 14th Judicial Circuit Court / MICHAEL E. KOBZA - Hall of Justice / 990 TERRACE STREET / MUSKEGON, MI 49442.

2. During this examination the substance of the deposition, by testimony that KYLE A. NEHER d/b/a DET. KYLE A. NEHER will be providing is that Kyle A. Neher, did ACTING as a mere CITIZEN did offer FALSE TESTIMONY - FALSE EVIDENCE UNDER OATH THEREIN by doing so committed PERJURY which went UNCORRECTED, and AT NO TIME WAS THE PERJURY retracted during an official proceeding before the Honorable Magistrate MICHAEL VANEPs.

3. During this examination the substance of the deposition, by testimony that KYLE A. Neher will be providing is that KYLE A. Neher acting as a mere CITIZEN at the above mentioned official proceeding did misuse the Process, Due Process and REQUISITES under the 5th, 14th and 4th Amendment of the UNITED STATES CONSTITUTIONAL, by OFFERING FALSE TESTIMONY - FALSE EVIDENCE at said proceeding.

4. During this examination the substance of the deposition, by testimony that KYLE A. Neher will be providing is that KYLE A. Neher did offer HEARSAY TESTIMONY therein MISREPRESENTING THE FACTS, AND ALSO that this DEFENDANT must Prove up the claim, by Proof of claim against the PLAINTIFF in the matter of 60th DISTRICT CIRCUIT COURT Case No. 14161618-FY by Proof of TORT AGAINST DEFENDANT KYLE A. NEHER ACTING as mere CITIZEN BRINGING claim/charge of TORT AGAINST PLAINTIFF in the matter STATED herein, where Defendant is charged with PERJURY, FALSE EVIDENCE, and Misuse of Process in the matter of 1:16-CV-01466.

5. Proof of Claim must be AUTHENTICATED by verification Under OATH by the Person making it, Pursuant to MCR. 5.114 (B)(1).

6. During this examination, the substance of the deposition will show if Proof of Claim exist on the record establishing subject matter Jurisdiction For The Court to Proceed Against a Party by issuance of Warrant, It shows that Kyle A. Neher, acting as a mere citizen will show if he certified the charges, or the charges are certified, and the Bond on the charges are also certified, this has to be done by the Accuser reading them into the evidence on the record under oath. Neither the Prosecution nor the Defendant in this matter before this court Kyle A. Neher can take that position as neither has first hand knowledge as required of any statutory violation. The Prosecutor and or Defendant Neher either has to have a contract with the accused in the accused original signature in the red or green ink, or the Prosecution has to have the testimony of an true injured party. As everything as everything the unidentified Prosecutor in the matter of case No. 14161618-FY or defendant Neher would be able to offer in the matter of case No. 14161618-FY is and was Hearsay only and conjecture, as neither has any first hand knowledge of any statutory violation.

7. The unidentified Prosecutor in the matter of 60th District Circuit Court Case No. 14161618-FY For the People of the State of Michigan and Defendant Kyle A. Neher, has an obligation to certify the charges/claim against the accused in the matter stated herein, and show proof of liability.

8. Defendant Neher must demonstrate by the record to the Court, the signature of the accused on a contract, or any affidavit, or testimony under oath on the date July 30, 2014 before the Hon. Magistrate Michael Van Epps, by the actual injured party, that I, Agent El-Amin Muhammad has committed a tort against another party.

9. During this examination the substance of the deposition, by testimony that Sally A. Johnson-McGowan official Court recorder will be providing is that

Sally A. Johnson did certify the transcripts of the complaint and warrant before the Honorable Magistrate Michael VanEpps, July 30, 2014 in Muskegon, MI 49442.

10. During this examination, the substance of the deposition, by testimony that Sally A. Johnson-McGowan will establish that the transcripts of the above stated official proceeding will certify that it is an exact recording of all said in the transcripts and all is true and correct.

That Sally A. Johnson-McGowan will produce these transcripts for inspection and for purposes of deposition.

11. During this examination, the substance of the deposition, by testimony that Marcia L. Wilkes Chief Deputy Court Clerk for the both 14th Judicial Circuit Court, must produce the evidence of liability in the matter of both District Circuit Court case No. 14161618-FY on the record, by showing that the plaintiffs have any liability to the statute in the matter of case No. 14161618-FY as charged with violating Marcia L. Wilkes must produce the evidence of record.

12. During this examination, the substance of the deposition, by testimony that Marcia L. Wilkes must demonstrate to the court that she can certify that the charges and the codes are bonded both, I, Agent El-Amin Muhammad have to know that there are certain conditions precedent, and that is, I have to know that the charges are certified, that they actually exist. In order to be charges, it has to be read into the record and then certified by the injured party bringing the charges, under penalty of perjury, and that the codes are bonded. The prosecutor has to prove that the accused has a liability to the code under which the accused in the matter of case No. 14161618-FY was charged, which should be preserved pursuant to MCR 8.119 (d) (1) (c).

13. THE DEPOSITION/SUBPOENA DUCES TECUM under the Penalty of Perjury is necessary specifically for the FACT ESTABLISHING THAT THE COURT WAS WANT FOR PROPER OR LEGAL SUBJECT MATTER JURISDICTION and IN PERSONAM OF ACCUSED IN THE MATTER OF BOTH DISTRICT CIRCUIT COURT CASE NO. 14161618-FY.

14. PURSUANT TO UCL § 767.40 "RES GESTAE" OR WHOLE TRANSACTION are the circumstances, facts, and declarations which grow out of the main fact, are contemporaneous with it, and serve to illustrate its character. People v. KAYNE, 268 N 186, 191 (1934).

15. Documents to be subpoenaed are as follows:

a. TRANSCRIPTS of Complaint and WARRANT BEFORE THE HONORABLE MAGISTRATE Michael VANZEPPE - JULY 30, 2014 - MUSKEGON, MI TRANSCRIBED BY SALLY A. JOHNSON-MCGOWAN CER 3460.

b. Proof that the charges are Bonded/"Bonds For the charges", Bonded Charges in the Matter of BOTH DISTRICT CIRCUIT COURT CASE NO. 14161618-FY.

c. That Proof of the statutory CODES are bonded/"Bonds For the CODES", Bonded CODES in the Matter of BOTH DISTRICT CIRCUIT COURT CASE NO. 14161618-FY.

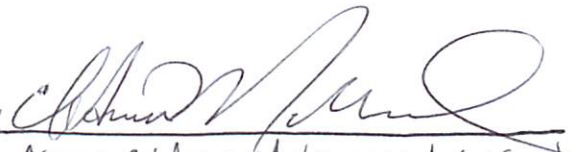
d. THE CONTRACT OR AFFIDAVIT ON THE RECORD showing accused in the matter of BOTH DISTRICT CIRCUIT COURT CASE NO. 14161618-FY original signature in the red or green ink and that by a true injured party/actual injured party agreement that accused has committed a tort against another party.

e. EVIDENCE of LIABILITY in the matter on record of BOTH DISTRICT CIRCUIT COURT CASE NO. 14161618-FY, showing liability to the statute accused is charged with violating.

RELIEF AND CONCLUSION

WHEREFORE, THE COURT should Find THAT THE Perpetuation OF THIS deposition / TESTIMONY under Penalty of Perjury is Proper TO avoid a Failure of Justice, and Therefore an order allowing FOR THIS PETITIONER REQUEST FOR leave TO TAKE deposition AND subpoena duces tecum should be GRANTED AND TIME and Place FOR deposition shall be PROVIDED BY THE COURT IN THIS MATTER AND scheduled at THE COURTS NEXT EARLIEST AVAILABLE DATE.

DATE: April 19th 2017

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AGENT EL-AMIN MUHAMMAD INSURANCE
WITHOUT PREJUDICE U.C.C. 1-207

ENS LEGIS: ELAMIN MUHAMMAD
PROPERTY NO. 242898
MICHIGAN REFORMATORY - WAREHOUSE
1342 W. MAIN ST.
LANSING, MI 48846

Agent El-Amin Muhammad, In Situ Juris For:

Prisoner Name: Case 1:16-cv-01466-RJJ-RSK ECF No. 18 filed 04/24/17 PageID.162 Page 7 of 7

Prisoner Number: 242898

~~LAKE AND CORRECTIONAL FACILITY~~

~~141 First Street~~

~~Coldwater, MI 49036~~

Michigan Reformatory

1342 West Main St.

Tonia, MI 48846



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